

MEMO ENDORSED

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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LITIGATION BUREAU

March 8, 2013

By Facsimile

Hon. Kimba M. Wood
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Jon Jones et al. v. Eric T. Schneiderman, et al
11 Civ. 8215 (KMW)

Dear Judge Wood:

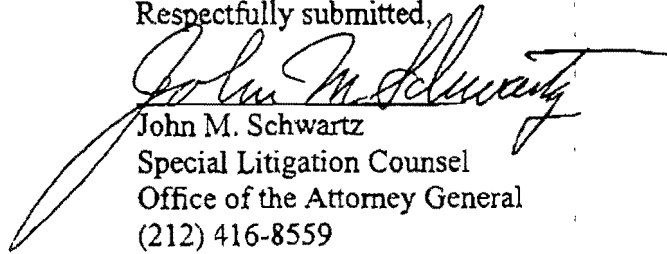
This office represents defendant Eric T. Schneiderman, in his Official Capacity as the Attorney General of the State of New York ("AG"), in the above-entitled action. I have received a copy of today's letter to Your Honor from plaintiffs' counsel, Jamie Levitt, Esq. I do not oppose Ms. Levitt's request for a conference with Your Honor if you believe it necessary, but I disagree with Ms. Levitt's characterizations of the position we took in the discussion with Magistrate Judge Pitman that led to the cancelation of the scheduled settlement conference.

The inability of my office to stipulate to the interpretation of the statute in question urged by plaintiffs arose from a clarification of the position of the State Athletic Commission presented to us after the oral argument of the motion to dismiss before Your Honor. Although the Commission is not a party to this action, it is expressly granted regulatory authority in § 8905-a, Unconsolidated Laws, with respect to the martial arts organizations to which the statute refers in its definition of martial arts. Its position is entitled to consideration and, we have concluded, is supported by law.

We therefore respectfully request that the Court permit the parties to file limited supplemental submissions in the pending motion to dismiss on the question of whether § 8905-a would permit a professional MMA event in New York if it is sanctioned by one of the martial

arts organizations listed in the statute, and particularly on how its interpretation would affect the motion.

Respectfully submitted,


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cc:

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The parties are ordered to submit supplemental submissions regarding the question of whether § 8905-a would permit a professional MMA event in New York if it is sanctioned by one of the martial arts organizations listed in the statute, and how such interpretation affects the Court's resolution of Defendant's motion to dismiss.

Such submissions shall not exceed ten double-spaced pages. Defendant's submission is due by March 19, 2013. Plaintiffs' submission is due by March 26, 2013.

3-11-13
SO ORDERED, N.Y., N.Y.


KIMBA M. WOOD
U.S.D.J.